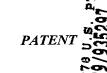
08-23-01.



Practitioner's Docket No. 100_007 CIP



NEW APPLICATION TRANSMITTAL

Box Patent Application Assistant Commissioner for Patents Washington D.C. 20231 I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Box Patent Application; Assistant Commissioner for Patents, Washington, D.C. 20231 on August 22, 2001 under "EXPRESS MAIL" mailing label number EL 91265 5756 US.

Janet M. Stevens

Transmitted herewith for filing is the patent application of:

Inventor 1:

Dwayne Lacey

Address:

8 Mulberry Farm Lane

White Gum Valley

Western Australia 6162

AUSTRALIA

Title:

HEAD MASSAGING DEVICE

1. Type of Application

This is a request for filing a CONTINUATION-IN-PART APPLICATION under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.:

09/335,714,

Prior Art Unit:

3764

Filed:

June 18, 1999,

Prior Examiner:

J. Yu

Title:

HEAD MASSAGING DEVICE

Inventors:

Dwayne Lacey.

2. Papers enclosed

- A. Required for filing date under 37 CFR 1.53(b) (Regular) are:
 - 7 Page(s) of Specification
 - 4 Page(s) of Claims
 - 1 Page(s) of Abstract
 - 2 Sheets of Formal Drawings (Figs. 1-2)

B. Other Papers Enclosed

[x] A Patent Application Bibliographic Data

[] A Preliminary Amendment

A Claim for Priority and a certified copy of

[x] An Information Disclosure Statement

[x] PTO Form-1449

An Assignment Transmittal and Assignment of the invention to

3. Additional Papers to Follow Under Separate Cover

[x] A combined Declaration and Power of Attorney

4. The correspondence address for this application is:

Kevin C. Brown Burr & Brown P.O. Box 7068

Syracuse, New York 13261-7068

Customer No.: 025191

Telephone: (315) 233-8300 Facsimile: (315) 233-8320

5. Relate Back

A. 35 U.S.C. 119(e)

[] Priority of provisional application Serial No., filed, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

Priority of said prior application <u>09/335,714</u>, filed June 18, 1999, is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

[] Priority of foreign application(s) is hereby claimed under 35 U.S.C. §119 as follows:

Application filed

- [] A certified copy of the above corresponding foreign application was filed in prior application Serial No. on .
- [] A certified copy of the above corresponding foreign application is filed herewith.
- 6. [x] Amend the specification by inserting after the title and before the first line the sentence:

-- Cross Reference to Related Application

This is a continuation-in-part application of U.S. Serial No. <u>09/335,714</u>, filed June 18, 1999, the entirety of which is incorporated herein by reference.--

7. Small Entity Status

[X] Applicant(s) claim(s) small entity status. See 37 CFR § 1.27.

8. Inventorship Statement

| The inventorship | for all | l the claims | in this | application | are: |
|------------------|---------|--------------|---------|-------------|------|
|------------------|---------|--------------|---------|-------------|------|

| | THE HIT | onto simp for an the claims in this application at | С. |
|----|----------|---|---|
| | | the same. not the same. An explanation, including the own the last claimed invention was made, [] is submitted. [] will be submitted. | nership of the various claims at the time |
| 9. | The fili | ng fee has been calculated as shown below: | |
| | A. | Filing Fee [x] Original Patent Application (37 C F R. 1.16(a)\$710 00, Small Entity\$355 00) | \$ <u>355.00</u> |
| | B. | Fees for Claims (22 Claims; 3 Indep.) [] each independent claim in excess of 3 (37 C.F.R. 1 16(b)-\$80.00, small entity-\$40.00) | \$ <u>.00</u> |
| | | [x] each claim in excess of 20 (37 C.F.R. 1.16(c)-\$18.00; small entity-\$9.00) | \$ <u>18.00</u> |
| | | [] multiple dependent claim(s) (37 C F.R 1.16(d)-\$270.00: small entity-\$135 00) | \$00 |
| | C. | Surcharge fees [x] late payment of filing fee (37 C.F R. 1.16(e)\$130.00, small entity\$65 00) | \$ <u>65.00</u> |
| | | and/or | |

| [x] late filing of original declaration or oath (37 C.F.R 1 16(e)-\$130.00; small entity-\$65.00) | \$ | .00 |
|---|----|-----|
|---|----|-----|

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid 37 C F.R. 1 16(e).

| D. | [] Fee for processing an application filed with a | \$.00 |
|----|---|-----------|
| | specification in a non-English language (37 C.F.R. 1.17(k) and 1 52(d)\$130.00) | |

| E. [] | Assignment Fee | \$ | .00 |
|-------|----------------|----|-----|
|-------|----------------|----|-----|

Total Fees Due \$.00

10. Payment of Fees and Authorization to Charge Additional Fees or Credit Overpayment

| [] [] | associated with this communi 50-1446. A duplicate copy of [] Any additional filing | authorized to charge payment of the following fees ication or credit any overpayment to Deposit Account No. |
|----------|--|---|
| | | Respectfully submitted, |
| | August 22, 2001 | Kerin C. Burun |
| | Date | Kevin C. Brown |

Reg. No. 32,402

KCB/dmb

BURR & BROWN P.O. Box 7068 Syracuse, NY 13261-7068 Customer No.: 025191 Telephone: (315) 233-8300 Facsimile: (315) 233-8320